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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,089	11/26/2003	Mitsuru Kogami	D-1538	6190

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT PAPER NUMBER

3676

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/721,089	Applicant(s) KOGAMI, MITSURU	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The current specification does not address the direction to which the spring member, of claim 10, forces the swing member. In paragraphs 29, 30, 45, and 46, discloses the basic function and placement of the spring member within the current invention without explicitly enabling “the spring member contact(ing) the swing member to urge obliquely only when the pin engages the cam”. One with ordinary skill would recognize from the figures that the spring member applies a force to the swing member when the pin is engaged with the cam member, however, the force applied to the swing member could be employed in various directions, depending on the angle at which the swing member contacts the spring member. And thus, the force is not limited to only an oblique direction.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 5-7, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 3,156,493 to Griffiths.

Griffiths discloses a lock mechanism for locking a movable member to a base member (column 1, lines 30-41), having a cam (102) fixed on the base member, and having a projection (116) with a roughly heart shape and a swing groove (118 and 122) formed around the projection, a swing member (98) provided on the movable member to move laterally and vertically relative to the cam (column 2, lines 10-20), and having a tip (108) and a pin (100) close to the tip for tracing the swing groove, and a spring member as an auxiliary means (106) provided on the one of the base member and contacting the swing member while the pin is tracing the swing groove so that the auxiliary means allows the swing member to move properly (column 2, lines 6-24), wherein the spring member is located adjacent to the cam (figure 1) and contacts the tip (figure 1) of the swing member when swing member is moved close to the projection, the spring member urging the swing member from one side of the projection toward the other side of the projection (column 2, lines 6-24), as in claim 1.

Griffiths also discloses urging means (95) for urging the movable member relative to the base member so that the movable member is stopped at a first position (118) through an engagement of the pin and the projection by pushing the movable member against a force of the urging means, and the engagement is released by pushing the movable member again to allow the movable member to move to a second position (122), as in claim 2, wherein the movable member is switched between the first position where the movable member closes an opening of the base member and the second position where the opening opened, and said cam is arranged to face laterally (column 2, lines 6-24), as in claim 7.

Griffiths further discloses the spring member contacting the swing member with a force larger than a momentum applied to the swing member downwardly (the force from the spring moves the swing member in a latitudinal direction, and thus more force than in a downward direction), as in claim 5, wherein the cam is arranged to face laterally so that the spring member pushes the swing member upwardly (the swing member is pushed upwards when it contacts upwardly inclined surfaces 124, 112, and 116), as in claim 6.

Griffiths additionally discloses the spring member being arranged such that when the pin does not engage the cam, the spring member does not contact the swing member (Griffiths does not disclose that the spring being attached to the swing member, and thus is capable of not contacting the swing member when the pin is not engaged with the cam), as in claim 9, wherein the spring member is attached to the base member at a side away from the swing member so that the spring member contacts the swing member to urge when the pin engages the cam (column 1, line 71-column 2, line 3), as in claim 10, as well as the spring member being a linear (column 1,

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lines 71-72) and is arranged in an inclined state relative to the base member (figure 1), as in claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths, as applied above, in view of U.S. Patent Number 5,050,922 to Falcoff.

Griffiths discloses the invention substantially as claimed. However, Griffiths does not disclose the features of an opening-closing device. Falcoff teaches of an opening-closing device having arms (100) being rotatably attached to side walls (65) of a base member, a movable member being rotatably attached to the arms and having a plate (80) extending downwardly therefrom and moving along grooves (95) formed on the side walls, and a locking mechanism attached to the end of the plate (120), the plate being pivotally connected to the swing member in the same field of endeavor for the purpose of limiting the opening movement of a moveable member to a generally solitary direction (column 1, lines 64-68). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the opening-closing device of Falcoff with the locking mechanism of Griffiths in order to limit the opening movement of a moveable member to a generally solitary direction.

Response to Arguments

Applicant's arguments filed November 15, 2004 have been fully considered but they are not persuasive. Regarding the argument that Griffiths does not disclose the swing member being provided on the moveable member to move laterally and vertically relative to the cam, the examiner disagrees. The swing member of Griffiths moves laterally, wherein the cam moves vertically, and thus the swing member could move vertically relative to the cam member, if the cam member remained stationary. Additionally, regarding the argument that the spring member does not contact the tip of the swing member to control the swing member to move properly, the examiner advances that the spring member applies a force to the tip of the washer of the swing member to hold the pin within the cam member, as well as contacting the swing member when the swing member is moved close to the projection to thereby urge the wing member from one side of the projection toward the other side of the projection. Furthermore, the spring of Griffiths is disposed between the base member and the swing member, as shown in figure 1.

Regarding the argument that that Falcoff does not disclose the spring member contacting the swing member while the pin is tracing the swing groove. The applicant is reminded that the Falcoff references was used as a teaching reference to suggest the incorporation of the locking device of Griffiths into an open and closing mechanism, where the features of the locking mechanism are disclosed by Griffiths.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB *CB*
January 12, 2005



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